

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

**IN RE:**

**TAYLOR MADISON FRANCOIS BODINE**

## Debtor

LANI HAY

**Plaintiff,**

**V.**

**TAYLOR MADISON FRANCOIS BODINE**

**Debtor.**

**Case No. 21-11238-KHK**  
**(Chapter 7)**

**Adversary Proceeding  
No. 21-01056-KHK**

**CONSENT MOTION FOR AMENDED DISCOVERY PLAN**

Plaintiff, Lani Hay, and Debtor, Taylor Madison Francoise Bodine (the “Parties”), by counsel, pursuant Fed R. Civ. P. 26, made applicable to this case by Fed. R. Bankr. P. 7026, hereby file this Motion to Amend the Discovery Plan, and in support thereof state as follows:

1. On October 4, 2021, the Court the Initial Scheduling Order in this case. *See* Doc. No. 4 (the “Scheduling Order”).

2. Pursuant to the Scheduling Order, the Parties were required to meet to formulate a discovery plan as required by Fed. R. Civ. P. 26(f) on or prior to November 12, 2021.

3. The Parties complied with this requirement and undersigned counsel conducted the meeting on November 11, 2021. At the meeting, it was determined by the Parties that the

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discovery plan in the Scheduling Order should be updated. Debtor has filed a Motion to Dismiss in this case and Plaintiff's response is due November 30, 2021. Under the Scheduling Order, the Parties would need to designate experts on or prior to December 2, 2021, which would come prior even to the time that Debtor is required to file an Answer to the Complaint, if such filing is necessary.

4. Further, the United States Trustee has filed a Motion for a Bankruptcy Rule 2004 exam and the Parties believe it is in the interest of the Court and the Parties to permit that Motion and any exam to be finalized before discovery occurs in this case.

5. Therefore, in light of the foregoing, the Parties hereby stipulate that all of the discovery deadlines in this case shall be extended so that:

- a. The initial disclosures shall be due 30 days after the United States Trustee's Bankruptcy Rule 2004 exam concludes or the Debtor's Answer is filed, whichever is later.
- b. The parties shall make expert witness disclosures required by Fed. R. Civ. P. 26(a)(2), except rebuttal expert witness disclosures, not later than 50 days after the United States Trustee's Bankruptcy Rule 2004 exam concludes or the Debtor's Answer is filed, whichever is later. Rebuttal expert witnesses shall be made within 80 days after the United States Trustee's Bankruptcy Rule 2004 exam concludes or the Debtor's Answer is filed, whichever is later.
- c. All discovery shall be concluded within 120 days after the United States Trustee's Bankruptcy Rule 2004 exam concludes or the Debtor's Answer is filed, whichever is later.

- d. Dispositive motions shall be filed within 30 days after the conclusion of discovery.
- e. The length of the trial is to be discussed and determined by the Court and the Parties at a later time.
- f. Dates for filing of the pretrial statement, witness lists, pre-filing of exhibits, the pretrial conference and the trial date shall be set by the Court and the Parties at a later time.
- g. In the event any filing deadline falls on a weekend or Court holiday, the deadline shall be extended to the next business day.

WHEREFORE, the Parties request that the Court enter an amended discovery plan in the form of the Proposed Consent Order filed herewith, and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

**SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.**

By: /s/ Benjamin P. Smith  
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*Counsel for Taylor Madison Francois Bodine*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2021, I filed a true and correct copy of the foregoing Consent Motion with its related Proposed Consent Order with the Clerk of the Bankruptcy Court using the CM/ECF system, which will send a notification of electronic filing to all registered ECF users appearing in this adversary proceeding.

/s/ Benjamin P. Smith  
Benjamin P. Smith